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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,189	06/30/2003	Michael D. Bowman	03-0431 (BOE 0406 PA)	1188
27256	7590	02/03/2006	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034			PARRIES, DRU M	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/604,189	BOWMAN ET AL.	
	Examiner	Art Unit	
	Dru M. Parries	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 6, filed December 16, 2005, with respect to the objection of claims 12-19 have been fully considered and are persuasive. The objection of claims 12-19 has been withdrawn.
2. Applicant's arguments filed December 16, 2005 have been fully considered but they are not persuasive. The Examiner points out that Soucy's invention teaches a power management system for an aircraft. Also, Lacy teaches *primary loads (18)* that are always powered by the fuel cell system, and *secondary loads (16)*, which are managed by the controller. Also, Lacy does determine the combined power demand of the controlled loads ("the controller...to determine the power consumed by the residential loads" – Abstract) and a power limit set on the controlled loads as a group ("provide power up to a first threshold that is less than a maximum power threshold that is capable of being consumed by the residential loads" – Abstract). The Examiner disagrees with the Applicant's take that Lacy is nonanalogous art. Both inventions, Lacy and Soucy, are regarding how to manage the output power of a supply to loads (load power management), and the modification used from Lacy to be put into Soucy is how Lacy goes about managing load power to secondary loads. Therefore, in contrast to Applicant's argument, the function of Lacy that is being modified into Soucy is not clearly different (the modification being, how the distribution of power to the loads is being managed). The Examiner agrees with the Applicant's statement that limitations from the specification should not be read into the claims, therefore they won't be. The Examiner suggests that if a limitation from the

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specification should be in the claim, that the Applicant add that limitation (in writing) to the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soucy (6,476,510) and Lacy (6,510,369). Soucy teaches a power management system for an aircraft. He teaches plurality of secondary loads (direct - generator, indirect - load, Fig. 1), at least one flight condition sensor (engine speed sensor), and a controller (fuel supply controller & governor) coupled to the plurality of loads and the sensor. Soucy doesn't explicitly teach how the controller will control the system to work efficiently. Lacy teaches a system with a controller and primary (uncontrolled residential) and secondary (controlled residential) loads. Lacy teaches a controller that can determine the secondary power extraction, current operating conditions and secondary power extraction limit and can operate the plurality of secondary loads in response to the secondary power extraction and limits. (Abstract, lines 7-12) The controller, while determining current operating conditions determines the primary power extraction (power output to uncontrolled residential loads). Lacy also teaches the controller operating the secondary loads in priority (Col. 5, lines 56-64). He also teaches the controller limiting the operation the secondary loads when the power extraction is greater than the limit (Col. 4, lines 1-14). (Col. 2, lines 59-67; Col. 3, lines 28-36; Col. 4, lines 32-44) It would have been obvious to one of

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ordinary skill in the art at the time of the invention to incorporate Lacy's method of power distribution into Soucy's invention so that the engine can supply power to as many loads as possible in the safest possible way, and to make sure that the engine never exceeds its output capabilities which may lead to malfunction.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dru M. Parries whose telephone number is (571) 272-8542. The examiner can normally be reached on M-Th from 8:00am to 5:00pm. The examiner can also be reached on alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus, can be reached on 571-272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMP

1-23-2006



ROBERT L. DEBERADAKIS
PRIMARY EXAMINER